S.B.CRIMINAL MISC. II BAIL APPLICATION NO.4747/2006

Date : 07.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.S. Purohit for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

In the instant case, the prosecutrix in her statement recorded by the learned Magistrate has stated her age to be 13 years and it appears that no cross-examination was addressed to the witness in relation to the age.

Without expressing any opinion on the merit of the statement of the prosecutrix which may affect the trial pending but taking into consideration the allegation levelled against the appilcant, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

vij **(SATYA PRAKASH PATHAK), J.**